

§ 19.486

representing the third lot, and so forth. For example: the first three lots filled into packages on January 2, 2002, would be identified as “02A02”, “02A02A”, and “02A02B”.

(b) *Packages constituting a lot.* Packages of spirits, including any remnant package, received from customs custody or filled during any one day will receive the same lot identification number, subject to the following conditions:

(1) They are of the same type and either are of the same rated capacity or are uniformly filled with the same quantity by weight or other measurement method prescribed in § 19.289;

(2) They are filled with spirits of the same kind and same proof;

(3) If they are filled with mingled spirits, the mingling was conducted in accordance with § 19.326; and

(4) In the case of spirits imported or brought into the United States, they are filled with imported spirits, Puerto Rican spirits or Virgin Island spirits, as applicable.

(c) *Serial numbers.* At the time of filling, receipt on bonded premises, or withdrawal from bond, the appropriate TTB officer may require serial numbers on packages of spirits within the same lot in conjunction with the lot identification number. The proprietor must assign temporary serial numbers to packages for control purposes when they are transferred in bond in an unsecured conveyance or gauged after tampering within the storage account.

(26 U.S.C. 5206)

§ 19.486 Change of packages in storage.

When a proprietor transfers spirits from one package to another as permitted in § 19.325, the proprietor must give the new package the same package identification number and marks as the original package. The proprietor must also prepare and sign a label to be affixed to the head of each new package. The label must be in the following form:

The spirits in this _____ [kind of cooperage: barrel or drum], package identification No. _____, were transferred from a _____ [kind of cooperage: barrel or

drum], on _____ [Date], _____ [Proprietor]

(26 U.S.C. 5206)

§ 19.487 Kind of spirits.

(a) *Designation.* The designations of kind of spirits required for packages filled on bonded premises must be consistent with the classes and types of spirits set forth in part 5 of this chapter subject to the following exceptions or conditions:

(1) A proprietor may designate as “Alcohol” spirits distilled at more than 160 proof, which lack the taste, aroma, and other characteristics generally attributed to whisky, brandy, rum, or gin, and which are substantially neutral in character. When alcohol so designated is withdrawn on determination of tax, the designation must consist of the word “Alcohol” preceded or followed by a word or phrase that describes the material from which the alcohol was produced;

(2) The designation for vodka, neutral spirits, or gin must include a word or phrase that describes the material from which the spirits were produced;

(3) A proprietor may designate as “Spirits”, preceded or followed by a word or phrase that describes the material from which the spirits were produced, those distilled spirits that are distilled at less than 190 proof which lack the taste, aroma, and other characteristics generally attributed to whisky, brandy, rum, or gin. However, the proprietor may not designate such spirits as “Spirits grain” or “Grain spirits”;

(4) A proprietor must designate spirits distilled from fruit at or above 190 proof, if intended for use in wine production, as “Neutral Spirits—Fruit”, preceded or followed by the name of the fruit from which the spirits were produced;

(5) A proprietor may designate as “Whisky” spirits distilled at not more than 160 proof from a fermented mash of not less than 51 percent rye, corn, wheat, malted barley, or malted rye grain, packaged in reused cooperage, provided that the designation is further qualified with the words “Distilled from rye mash” (or bourbon, wheat, malt, or rye malt mash, as the case may be). However, spirits designated as

“Whisky” must, if distilled from a fermented mash of not less than 80 percent corn, carry the designation “Corn Whisky.”

(b) *Change of designation.* After written application to, and approval of, the appropriate TTB officer, a proprietor may at any time before their withdrawal from bonded premises, change the original designation for spirits to a new designation properly describing the spirits in accordance with the provisions of this section.

(c) *Other designations.* If a proprietor proposes to produce spirits for which a designation has not been prescribed in this section or in part 5 of this chapter, the proprietor must first make written application to the appropriate TTB officer for a designation for such spirits, and the proprietor must then designate the spirits accordingly.

(d) *Spirits for nonindustrial use.* A proprietor may not treat the provisions of this section as constituting authorization to apply designations to spirits withdrawn for nonindustrial use if those designations do not conform to the requirements of part 5 of this chapter.

(26 U.S.C. 5206)

§ 19.488 Marks on packages filled in processing.

(a) *Packages filled in processing.* Except as otherwise provided in this part, a proprietor must mark packages of spirits filled in processing with:

- (1) The name of the processor, or the processor's trade name;
- (2) The distilled spirits plant number of the processor, such as “DSP-KY-708”;
- (3) The kind of spirits in accordance with § 19.487 or, in the case of an intermediate product, the product name shown on form TTB F 5110.38, Formula for Distilled Spirits Under the Federal Alcohol Administration Act;
- (4) The serial number or lot identification number, in accordance with § 19.490, and the date of filling;
- (5) The proof of the spirits; and
- (6) The serial number of the formula if it was manufactured under an approved formula.

(b) *Real or trade names.* The proprietor's real name or any trade name used in accordance with § 19.94 may be

placed on any package filled with spirits during processing operations.

(26 U.S.C. 5206)

§ 19.489 Marks on cases filled in processing.

(a) *Mandatory marks.* Except for cases marked in accordance with § 19.496, a proprietor must mark in accordance with § 19.483 the following information on each case of spirits filled in processing:

- (1) Serial number in accordance with § 19.490;
- (2) Kind of spirits in accordance with the classes and types of spirits set forth in part 5 of this chapter;
- (3) The distilled spirits plant number where bottled;
- (4) Date filled;
- (5) Proof; and
- (6) Liters or proof gallons.

(b) *Export marks.* In addition to the marks referred to in paragraph (a) of this section, the proprietor must include the marks required by part 28 of this chapter on cases removed for export, for transfer to any customs bonded warehouses, for transfer to foreign trade zones, or for use as supplies on certain vessels and aircraft.

(c) *Other marks.* A proprietor may include other marks on cases filled in processing in addition to the marks prescribed under this section. Any additional marks must not interfere with, or detract from, the marks prescribed in this section. The proprietor may include other marks such as:

- (1) The name or trade name, and the location if desired, of the bottler, displayed with the word “Bottler”;
- (2) For products distilled or processed by the proprietor, the proprietor's name or trade name, and the location of the distilled spirits plant, if desired, displayed with the words “Distiller” or “Processor”, as applicable;
- (3) For products imported and bottled by the proprietor, the words “Imported and Bottled By”, followed by the proprietor's name or trade name and location of the distilled spirits plant if desired;
- (4) For products bottled for a dealer, the words “Bottled For”, followed by the name of that dealer;
- (5) Any material required by Federal or State law and regulations; and